

## **REMARKS**

### **Amendments**

Applicant has amended the independent claims to specify identifying previously stored content data as being outdated using context data. No new matter has been added because support for the amendments can be found, *intra alia*, on page 5, lines 10-21, page 11, lines 9-11, page 17, line 18 to page 18, line 17, and Figure 3.

Claims 15 and 25 have been cancelled without prejudice. New claims 34 and 35 have been added.

### **Rejections under 35 U.S.C. § 102(e)**

Claims 1-4, 6-9, 11-14, 16-19, 21-24, 26-29, and 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sezan et al., U.S. Patent 6,236,395 (previously cited).

Although Sezan discloses that a system description scheme is used to manage individual programs, such as by maintaining lists of programs, categories, channels, users, audio and images, Sezan does not teach or suggest using context data to identify previously stored content data as being outdated as claimed in independent claims 1, 11 and 21.

Therefore, Sezan does not anticipate independent claims 1, 11, and 21, and claims 2, 4, 6-9, 12-14, 16-19, 22-24, 26-29, and 31 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 102 over Sezan.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 5, 10, 15, 20, 25, and 30

Claims 5, 10, 15, 20, 25, and 30, which depend from one of independent claims 1, 11, and 21, stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan in view of Kunkel et al., U.S. Patent 2002/0056093. Kunkel only qualifies as prior art under 35 U.S.C. § 102(e) because it was published after Applicant's filing date. Applicant does not admit that Kunkel is prior art and reserves the right to challenge it at a later date.

Kunkel discloses transmitting information in a broadcast distribution system that is targeted to a system user. Kunkel does not teach or suggest identifying previously stored content data as being outdated using context data as claimed in independent claims 1, 11, and 21. As discussed above, Sezan also does not teach or suggest this claim limitation.

Because neither Sezan nor Kunkel teach each and every limitation of independent claims 1, 11, and 21, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in dependent claims 5, 10, 15, 20, 25, and 30, and Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103 over the combination of Sezan and Kunkel.

#### Claims 32-33

Claims 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sezan in view of Kenner et al., U.S. Patent 5,953,716.

Kenner discloses retrieving video clips that are stored locally or at a remote location. Kenner does not teach or suggest identifying previously stored content data as being outdated using context data as claimed in independent claim 32. As discussed above, Sezan also does not teach or suggest this claim limitation.

Because neither Sezan nor Kenner teach each and every limitation of independent claim 32, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 32 and 33, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103 over the combination of Sezan and Kenner.

#### New Claims

New claims 34 and 35 have been added that are dependent upon independent claims 11 and 21 respectively. Applicant respectfully submits that claims 34 and 35 are allowable for at least the reasons given above for claims 11 and 21.

### **SUMMARY**

Claims 1-14, 16-24 and 26-35 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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